



**VARIANCE ACCEPTED:** June 19, 2013  
**BOARD OF ZONING APPEALS:** September 25, 2013  
**TIME:** 9:00 a.m.

## County of Fairfax, Virginia

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**September 18, 2013**

### **STAFF REPORT**

**VARIANCE APPLICATION NO. VC 2013-MV-010**

### **MOUNT VERNON DISTRICT**

**APPLICANTS/OWNERS:** Marilyn E. Livingood, Trustee of the Marilyn E. Engle Revocable Trust for the benefit of: Andrew S. Varela and Elizabeth V. Varela  
Wilson S. Livingood

**SUBDIVISION:** Belle Haven

**STREET ADDRESS:** 1804 Hunting Cove Place, Alexandria, 22307

**TAX MAP REFERENCE:** 83-4 ((3)) (1) 19

**LOT SIZE:** 9,600 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 18-401

**VARIANCE PROPOSALS:** To permit construction of an accessory structure in a front yard of a lot containing 36,000 square feet or less and to permit a stoop to remain 4.1 feet from a side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

O:\gumk2\SP\_VC Cases\9-25 VC 2013-MV-010 Livingood\VC 2013-MV-010 Livingood Staff Report.doc

Laura Gumkowski

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

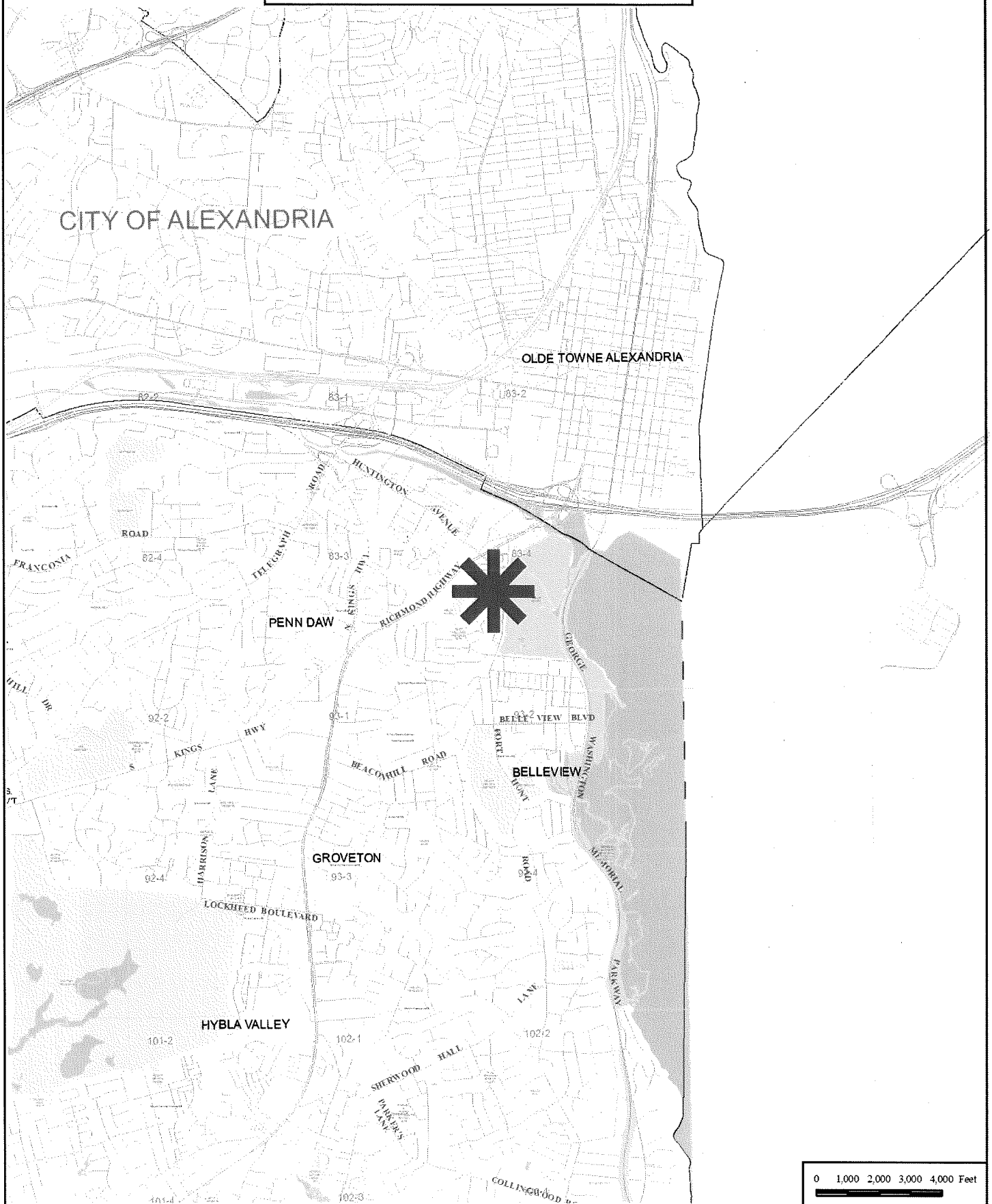
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

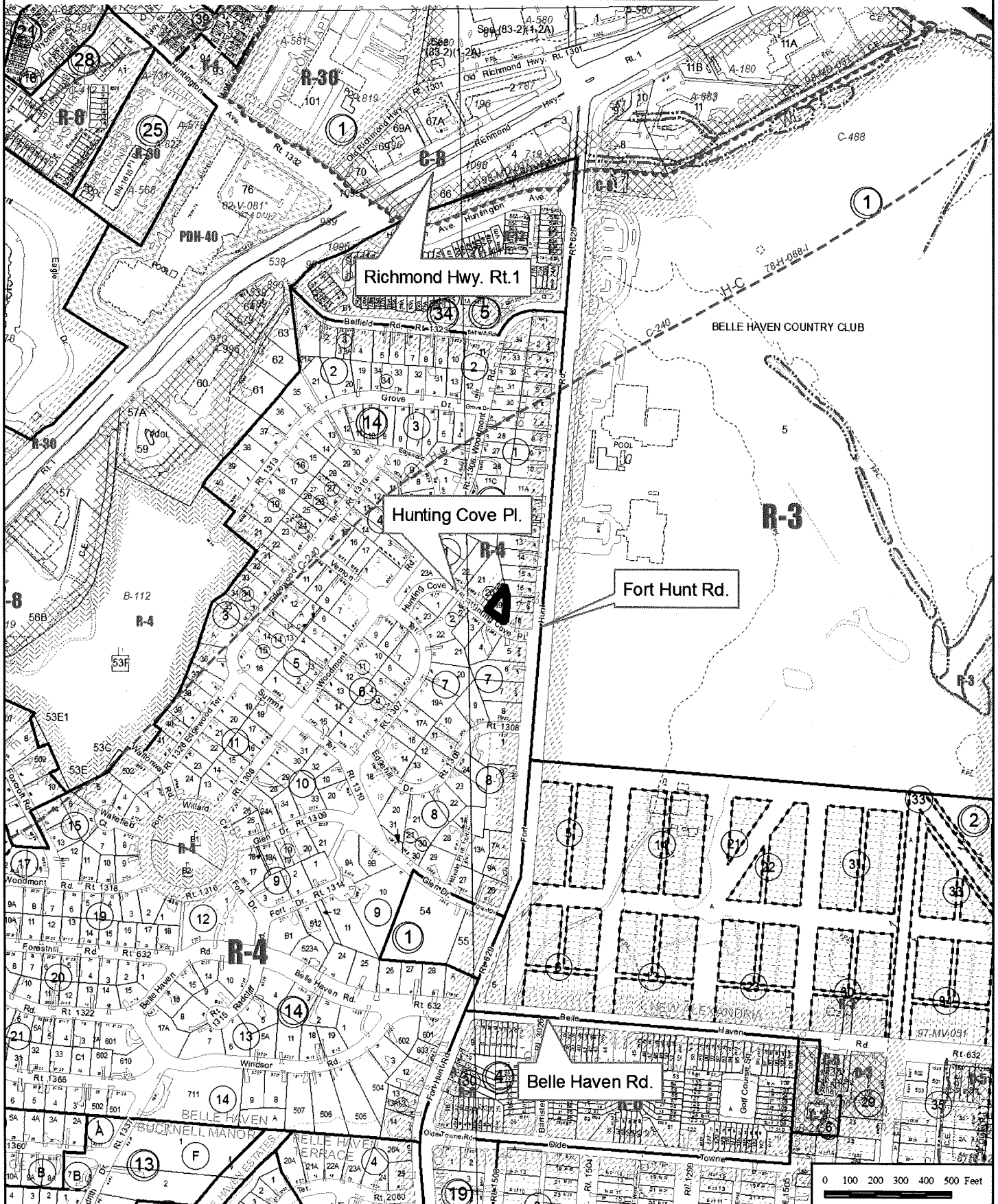
# Variance Application

VC 2013-MV-010  
MARILYN & WILSON LIVINGOOD



# Variance Application

VC 2013-MV-010  
MARILYN & WILSON LIVINGOOD



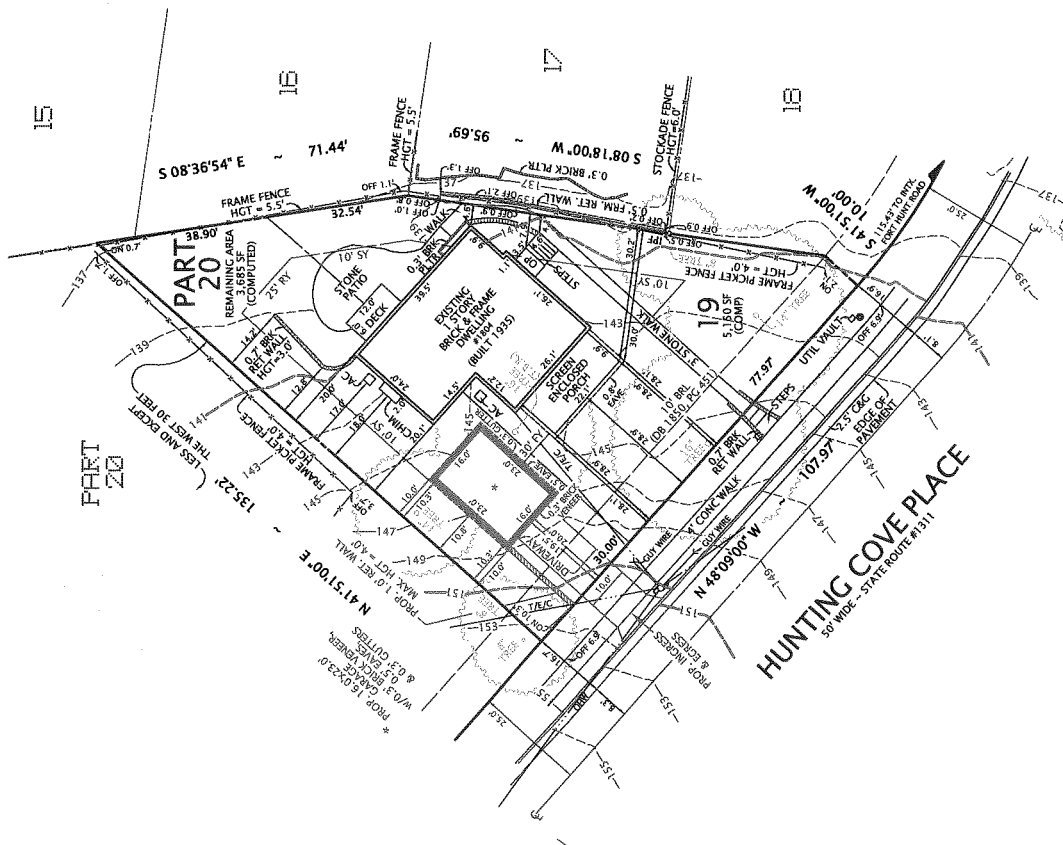
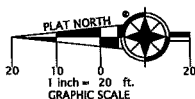
NOTES:

1. TAX MAP: 83-4-003-01-0019
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 8,835 SQUARE FEET (0.2028 ACRE)
4. REQUIRED YARDS:
 

FRONT:	=	30.0 FEET
SIDE:	=	10.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:
 

EX. DWELLING	=	25.2 FEET
EX. 0.7' BRICK RET. WALL	=	03.0 FEET
EX. SCREENED ENCLOSED PORCH	=	10.9 FEET
EX. DECK	=	07.4 FEET
EX. FENCES	=	AS NOTED
EX. OP	=	15.2 FEET
PROP. GARAGE	=	12.6 FEET (MIDLINE)
	=	13.8 FEET (RIDGELINE)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS FIELD SURVEYED BY THIS COMPANY AND IS SHOWN AT 2' INTERVALS.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 

EX. BASEMENT	=	1,278 SF
EX. FIRST FLOOR	=	1,497 SF
EX. SECOND FLOOR	=	464 SF
EX. GROSS FLOOR AREA	=	3,239 SF
- EX. FLOOR AREA RATIO: EX. GFA (3239) / LOT AREA (8,835) = 0.37
- PROP. GARAGE = 368 SF / EX. GFA (3239) = 0.11
- PROP. GROSS FLOOR AREA: PROP. GRC. (368) + EX. GFA (3239) = 3607 SF
- PROP. FLOOR AREA RATIO: PROP. GFA (3607) / LOT AREA (8835) = 0.41
13. EX. RETAINING WALLS ARE 0.5' FRAME UNLESS NOTED.



PLAT

SHOWING THE IMPROVEMENTS ON  
LOTS 19 & LOT 20, BLOCK 1, SECTION 1

**BELLE HAVEN**

(DEED BOOK N-9, PAGE 18)

LESS & EXCEPT THE WEST 30 FEET BY  
THE FULL DEPTH THEREOF OF LOT 20, BLOCK 1, SECTION 1

**BELLE HAVEN**

(DEED BOOK 22271, PAGE 597)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON DISTRICT

SCALE: 1" = 20'  
DECEMBER 06, 2012  
MARCH 01, 2013 (REV.)

I HEREBY CERTIFY THAT THE POSITIONS OF  
ALL THE EXISTING IMPROVEMENTS HAVE BEEN  
CAREFULLY ESTABLISHED BY A CURRENT FIELD  
SURVEY AND UNLESS SHOWN THERE ARE NO  
VISIBLE ENCROACHMENTS AS OF THIS DATE.

THIS PLAT IS SUBJECT TO  
RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKS SET.



ORDERED BY:

DAVE ORDS

**DOMINION** Surveyors  
Inc.  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
(703) 551-5511  
FAX: (703) 799-6412

D.J. CONSTRUCTION, LLC  
BUILDERS AND RENOVATORS

4956 BRADLEY BLVD  
CHEVY CHASE, MD 20815

LIVINGOOD RESIDENCE  
ACCESSORY GARAGE

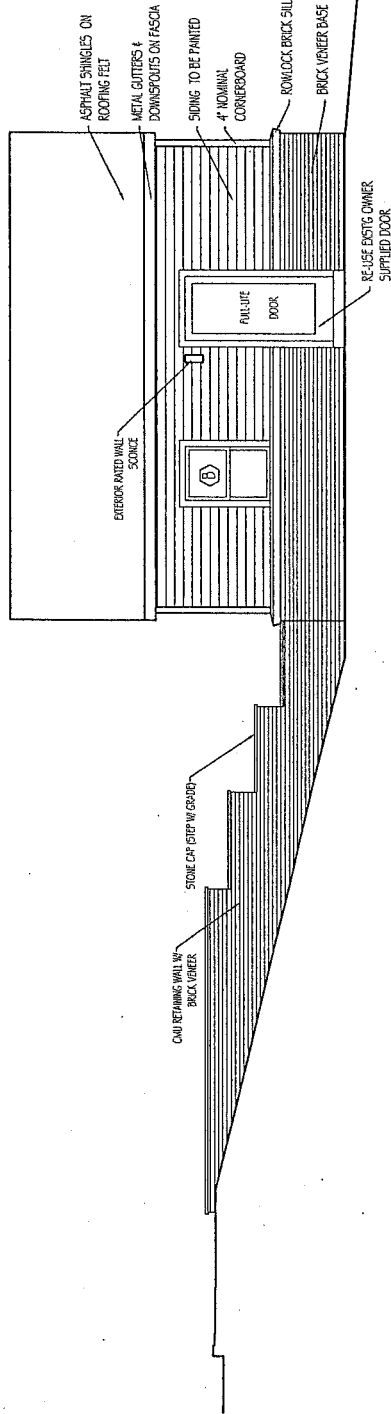
1804 HUNTING COVE PLACE  
ALEXANDRIA, VA

PERMIT SET

08.27.12

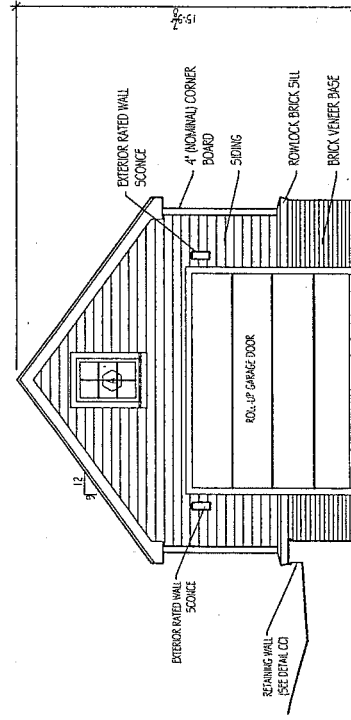
ELEVATIONS

A-2.1



RIGHT ELEVATION

2  
 $\frac{1}{4}'' = 1'-0''$



FRONT ELEVATION

1  
 $\frac{1}{4}'' = 1'-0''$

WINDOW SCHEDULE			
SYMBOL	TYPE	WIDTH	HEIGHT
A	CSMT	2'-0"	3'-0"
B	DR-ING	2'-6"	4'-0"

WINDOW NOTES:  
1. GENERAL SIZES GIVEN - FINAL SIZES TO BE COORDINATED WITH SELECTED MANUFACTURER'S STANDARDS SIZES.  
2. ALL WINDOWS ARE TO HAVE FPD AND SILL FLASHING W/ FPD DAMPS

**D.J. CONSTRUCTION, LLC**  
**BUILDERS AND RENOVATORS**  
 4966 BRADLEY BLVD  
 CHEVY CHASE, MD 20815

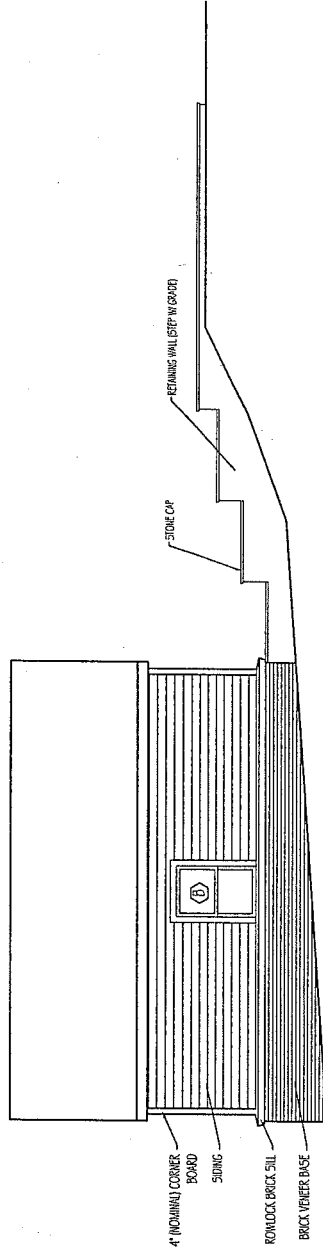
**LIVINGOOD RESIDENCE**  
**ACCESSORY GARAGE**  
 1804 HUNTING COVE PLACE  
 ALEXANDRIA, VA

PERMIT SET

08.27.12

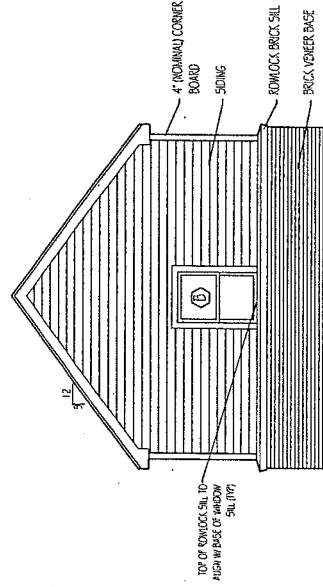
ELEVATIONS

**A-2.2**



LEFT ELEVATION

2  
 $\frac{1}{4}'' = 1'-0''$



REAR ELEVATION

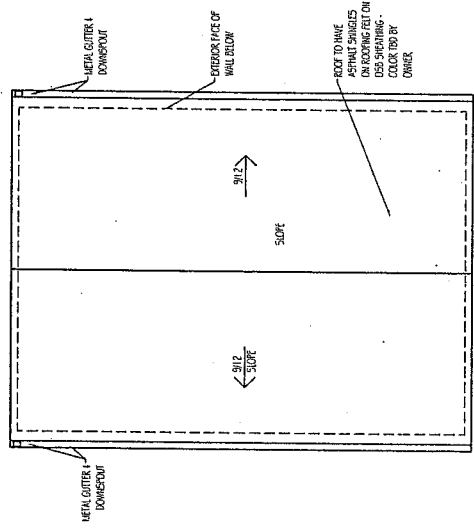
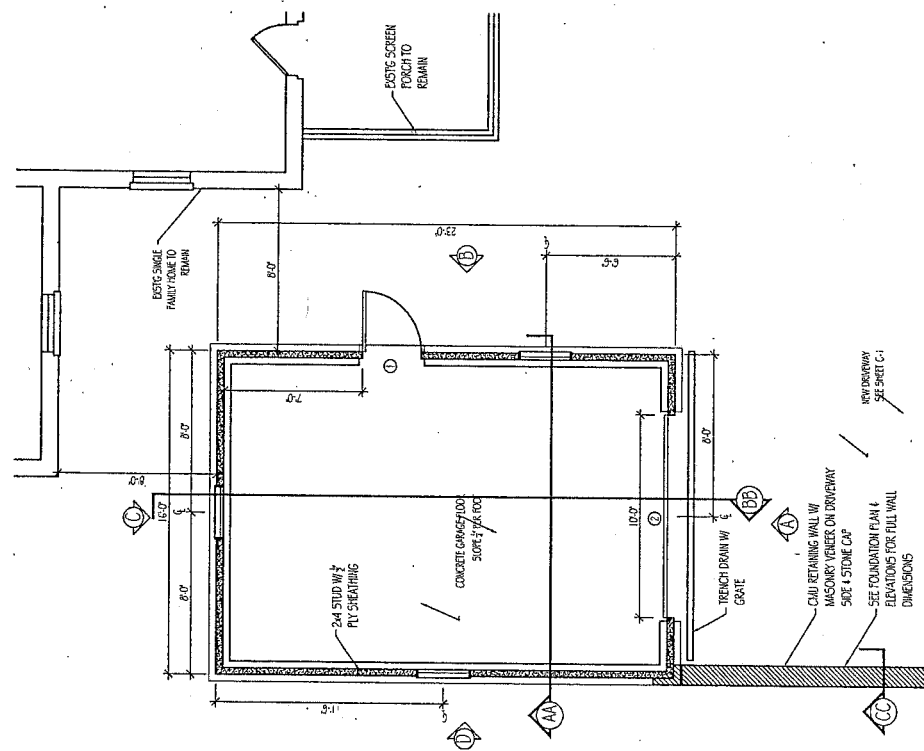
1  
 $\frac{1}{4}'' = 1'-0''$

**D.J. CONSTRUCTION, LLC**  
BUILDERS AND RENOVATORS  
4956 BRADLEY BLVD  
CHEVY CHASE, MD 20815

**LIVINGOOD RESIDENCE**  
**ACCESSORY GARAGE**  
1804 HUNTING COVE PLACE  
ALEXANDRIA, VA

PERMIT SET  
08.27.12

PLANS  
**A-1.1**



DOOR SCHEDULE	WIDTH	HEIGHT	COMMENTS
1 DOOR	15'-0"	7'-0"	DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS
2 DOOR	15'-0"	7'-0"	DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS
3 DOOR	15'-0"	7'-0"	DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS
4 DOOR	15'-0"	7'-0"	DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS

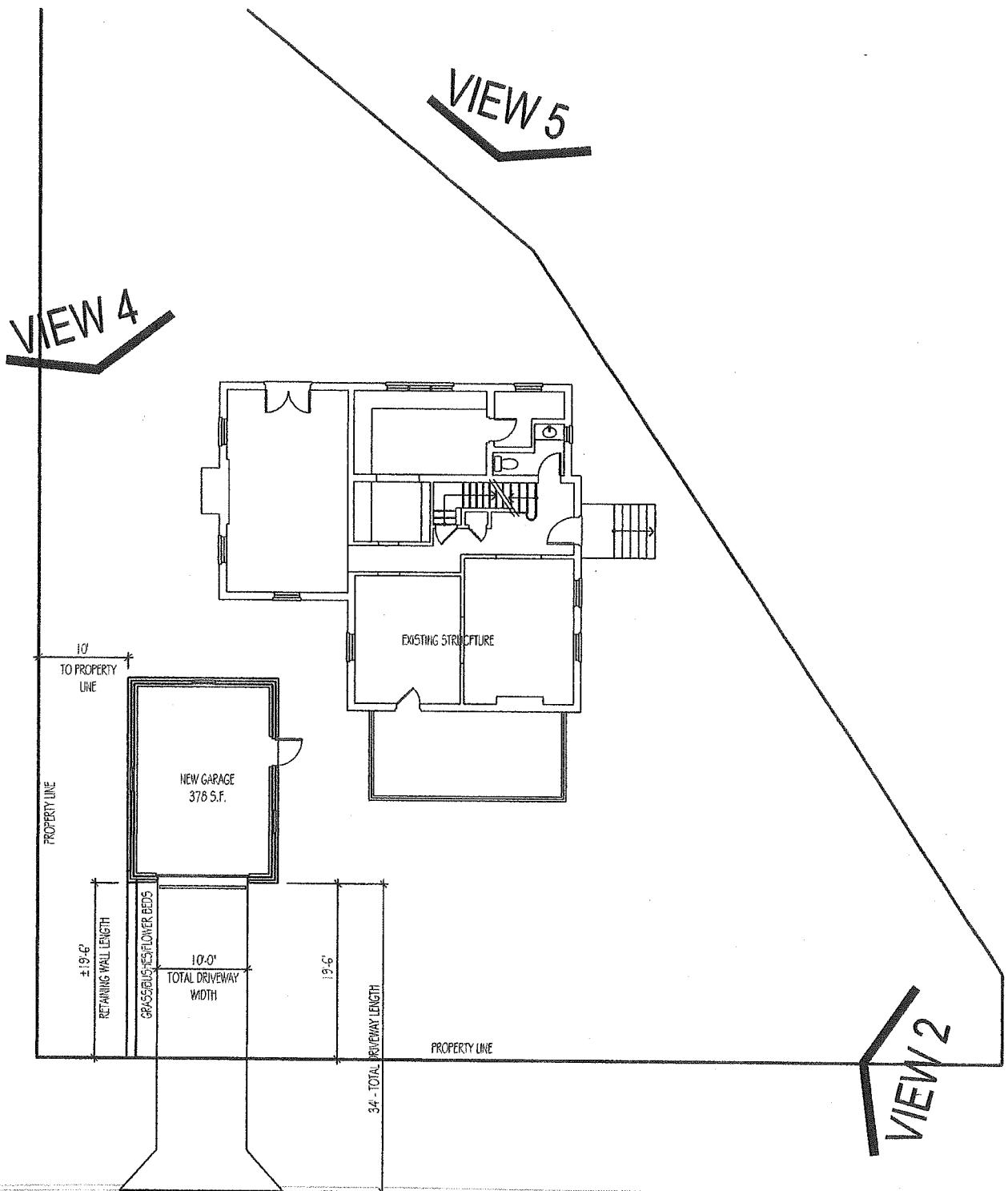
1 DOOR - 15' x 7' FULL LIGHT DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS

2 DOOR - 15' x 7' FULL LIGHT DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS

3 DOOR - 15' x 7' FULL LIGHT DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS

4 DOOR - 15' x 7' FULL LIGHT DOOR PROVIDED BY OWNER - COORDINATE TO OTHER DOORS





VIEW 3

SITE PHOTO KEY PLAN  $\frac{1}{16}" = 1'-0"$



**VIEW 1**



**VIEW 2**



**VIEW 3**



**VIEW 4**



**VIEW 5**









## DESCRIPTION OF THE VARIANCE REQUEST

The applicants are seeking two variances. First the applicants are requesting a variance to permit an accessory structure, a garage, in the front yard of a lot containing 36,000 square feet or less. The one car garage, approximately 15 feet, 10 inches in height, will be 360 square feet in size. It will be covered in siding and brick veneer. Please refer to the architectural elevations at the front of the staff report.

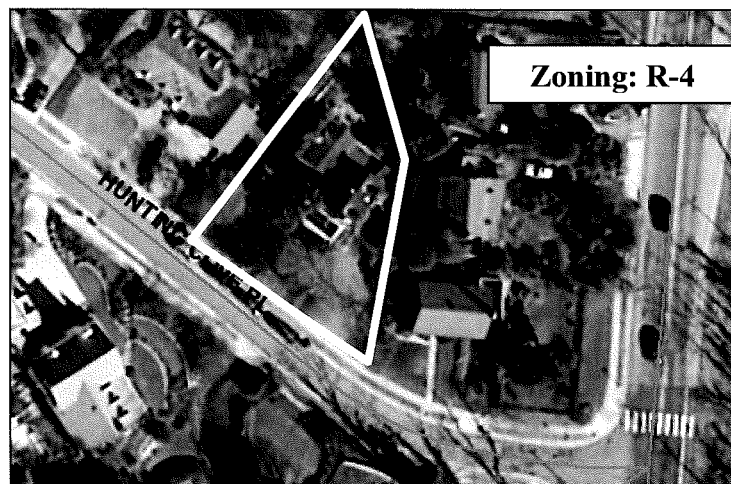
The applicants are also seeking a variance to permit a stoop and stairs to remain in the minimum required side yard, 4.1 feet from the side lot line. A minimum side yard of ten feet is required; however stoops and stairs are permitted to extend 5.0 feet. Therefore a minimum side yard of 5.0 feet is permitted.

A copy of the special permit plat, titled "Plat Showing the Improvements on Lots 19 and Lot 20, Block 1, Section 1, Belle Haven," prepared by Dominion Surveyors Inc., dated December 6, 2012, as revised through March 1, 2013, is included in the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is located at 1804 Hunting Cove Place within the Belle Haven Subdivision. The property is developed with a one story single family brick and frame dwelling.

An enclosed porch exists on the southern building façade. A stone patio, deck, and a retaining wall exist to the north of the single family dwelling. A stoop with steps and a 3.0 foot wide stone walkway that extends to the sidewalk are located to the east of the dwelling. A 4.0 foot high picket fence is located on a portion of the north western property line and encloses the rear yard. Mature trees exist in the front yard and a portion of the eastern side yard. The property slopes down to the southwest.



The image on the previous page illustrates the general character of the surrounding area, which is developed with single family dwellings on lots zoned R-4 in the Belle Haven Subdivision. The Belle Haven Country Club is located to the east of the subdivision across Fort Hunt Road.

## **BACKGROUND**

According to Fairfax County tax records the single family dwelling was constructed in 1935. The applicants purchased the property in 2012.

A Vested Rights Determination was completed by the Zoning Administration Division on August 27, 2013, regarding the locations of the existing house, screen porch and stoop and stairs (Appendix 4). The Zoning Administration Division found that none of the structures had a building permit. The house and screen porch have been taxed for at least 15 years and are therefore vested. The stoop and stairs, however, have not been taxed for at least 15 years and therefore are part of this variance request.

Records indicate there were no other applications for accessory structures in the front yard, or stoops extending into required side yards, for properties in the vicinity of the application site that have been heard by the BZA.

## **ZONING ORDINANCE REQUIREMENTS**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

- General Special Permit Standards (Sect. 8-006)
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Required Standards for Variances (Sect. 18-404)

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914 and 18-404 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

The Urban Forestry Management Division (UFMD) recommends that a tree protection device or barrier be placed around an existing red maple tree located southwest of the dwelling in the front yard to protect this tree from construction activities.

If it is the intent of the BZA to approve this application, staff suggests the BZA condition its approval by requiring conformance with the conditions, including the recommendation from UFMD above, set forth in Appendix 1 of this report, Proposed Development Conditions.

## **APPENDICES**

1. Proposed Variance Development Conditions
2. Applicants' Affidavit
3. Applicants' Statements of Justification
4. Vested Rights Determination dated August 27, 2013
5. Urban Forestry Memo dated July 23, 2013
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****VC 2013-MV-010****September 18, 2013**

1. This variance is approved for the location and height of the accessory structure (garage) and the stoop and stairs as shown on the plat prepared by Dominion Surveyors Inc., titled "Plat Showing the Improvements on Lots 19 and Lot 20, Block 1, Section 1, Belle Haven," dated December 6, 2012, revised March 1, 2013, as submitted with this application, and is not transferable to other land.
2. Prior to commencement of, and during the entire construction process, the applicant shall install tree protection fencing at the drip line of the existing red maple tree located southwest of the dwelling in the front yard to protect this tree from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that an inappropriate activity, such as the storage of construction equipment, does not occur within the area.
3. The garage shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

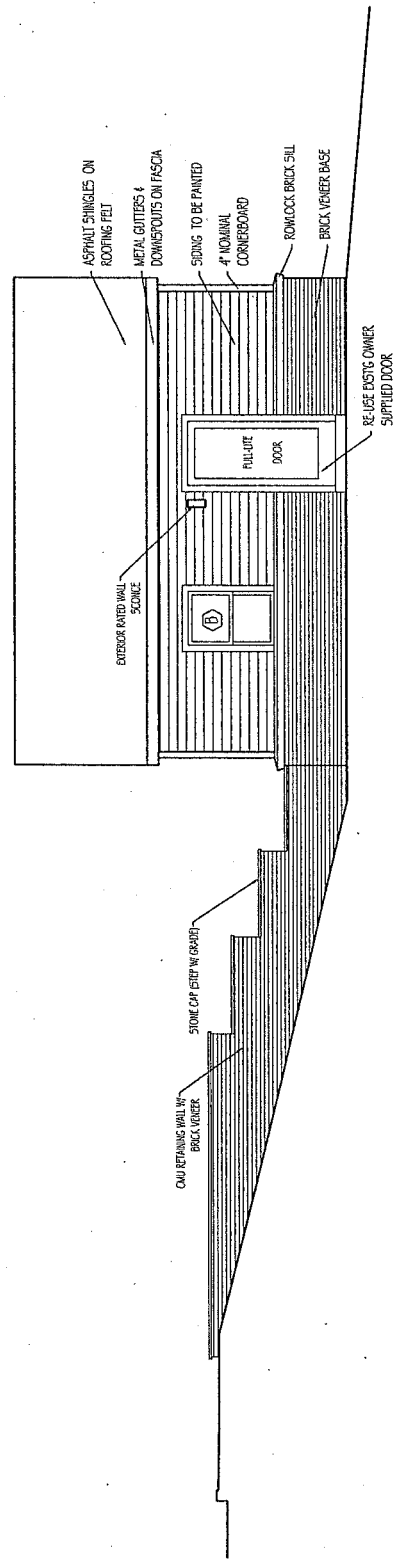
- | DOOR SCHEDULE |      |        |        |
|---------------|------|--------|--------|
| SOURCE        | TYPE | WIDTH  | HEIGHT |
| 1             | DOOR | 7'-0"  | 7'-0"  |
| 2             | DOOR | 10'-0" | 7'-0"  |
- DOOR NOTES:  
 DOOR 1 IS A FULL LIGHT DOOR PROVIDED BY OWNER - COORDINATE WITH  
 OPENING DIMENSIONS OF DOOR  
 DOOR 2 GARAGE DOOR TO BE OWNER SELECTED - ASSUME DOOR WILL HAVE DECORATIVE  
 WINDOWS

**D.J. CONSTRUCTION, LLC**  
**BUILDERS AND RENOVATORS**  
 4956 BRADLEY BLVD  
 CHEVY CHASE, MD 20815

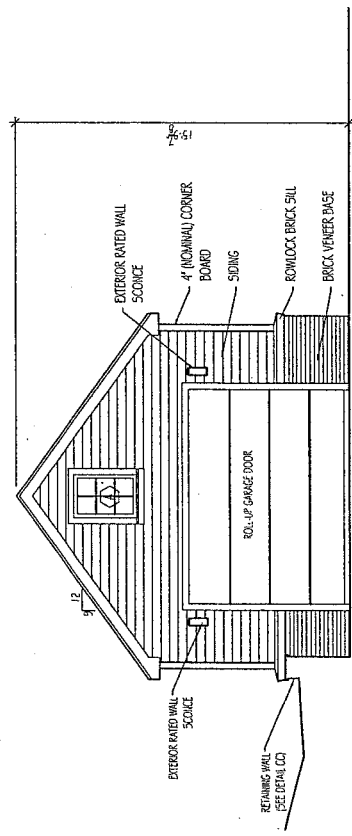
**LIVINGOOD RESIDENCE**  
**ACCESSORY GARAGE**  
 1804 HUNTING COVE PLACE  
 ALEXANDRIA, VA

**PERMIT SET**  
 08.27.12

**ELEVATIONS**  
**A-2.1**



**RIGHT ELEVATION**  
 2  
 $\frac{1}{4}'' = 1'-0''$



**FRONT ELEVATION**  
 1  
 $\frac{1}{4}'' = 1'-0''$

WINDOW SCHEDULE			
SYMBOL	TYPE	WIDTH	HEIGHT
A	CROWN	2'-0"	3'-0"
B	RECESSED	2'-6"	4'-0"

WINDOW NOTES:  
 1. GENERAL SIZES GIVEN. FINAL SIZES TO BE COORDINATED WITH SELECTED MANUFACTURER'S STANDARD SIZES.  
 2. ALL WINDOWS ARE TO HAVE TIE-ROD AND SILL FLASHING W/ END DRAINS.

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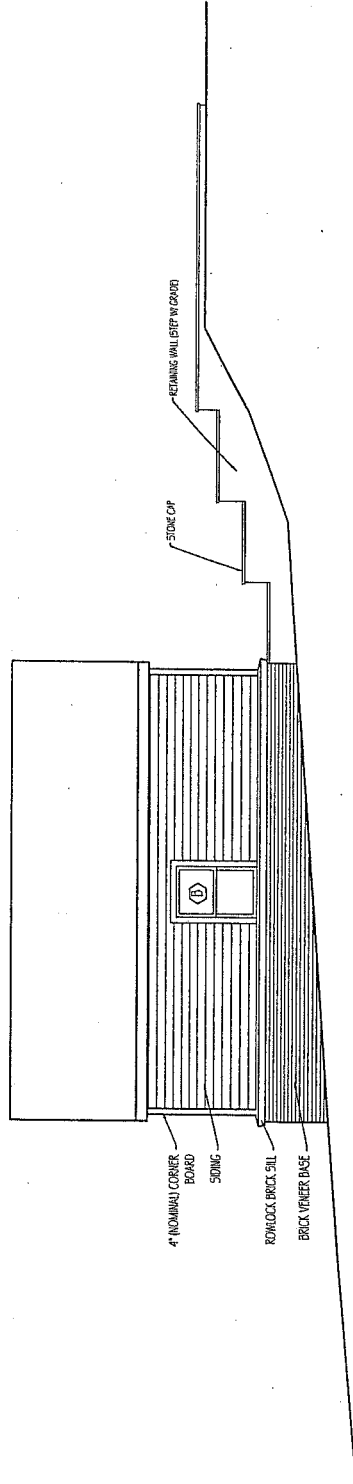
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ALEXANDRIA, VA

PERMIT SET

08.27.12

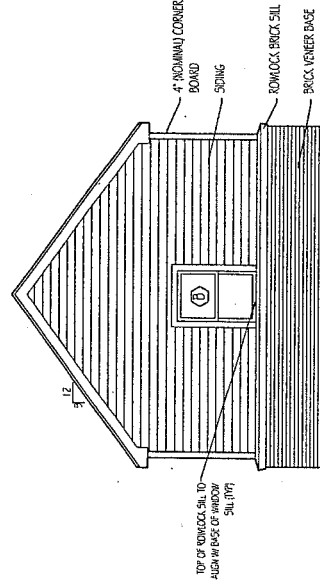
ELEVATIONS

A-2.2



LEFT ELEVATION

2  
 $\frac{1}{4}'' = 1'-0''$



REAR ELEVATION

1  
 $\frac{1}{4}'' = 1'-0''$

Application No(s): VC 2013-MJ-010  
 (county-assigned application number(s), to be entered by County Staff)

### SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 25, 2013  
 (enter date affidavit is notarized)

I, Kamol A. Farid, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☐ applicant  
☒ applicant's authorized agent listed in Par. 1(a) below

121258

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Marilyn E. Livingood, Trustee of The Marilyn E. Engle Revocable Trust, for the benefit of: Andrew S. Varela Elizabeth V. Varela	1804 Hunting Cove Place Alexandria, VA 22307	Applicant/Title Owner
Wilson S. Livingood	1804 Hunting Cove Place Alexandria, VA 22307	Applicant/Title Owner
Permit Express, LLC	5616-I Ox Road #101 Fairfax Station, VA 22039	Agent
Kamol A. Farid	5616-I Ox Road #101 Fairfax Station, VA 22039	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): VC 2013-MV-010  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2013  
(enter date affidavit is notarized)

121258

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Permit Express, LLC  
5616-I Ox Rd #101  
Fairfax Station, VA 22039

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Eleanor M. Farid

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No(s): VC 2013 - NW - 010  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2013  
(enter date affidavit is notarized)

12/25/8

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2013  
(enter date affidavit is notarized)

121258

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No(s): VC 2013-MW-010  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 25, 2013  
(enter date affidavit is notarized)

121258

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

**(NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Kamol A. Farid, Permit Consultant

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27 day of June 2013, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 02/28/2016

Matthew W. Hogan  
Notary Public

Matthew Hogan  
Notary Public 7524949  
Commonwealth of Virginia  
My Commission Expires 02/28/2016

5 February 5, 2013

Re: Variance Application for 1804 Hunting Cove Place

To the Department of Planning and Zoning:

This letter is to serve as a "written statement of justification" to address how the application complies with all nine required standards for a variance as set forth in Section 18-404 of the Zoning Ordinance.

**Item 1:** This property was acquired in good faith, the applicants, Bill and Marilyn Living good as confirmed by the Department of Tax Administration records found at [icare.fairfaxcounty.gov](http://icare.fairfaxcounty.gov)

**Item 2:** This property has the following characteristics:

- D     Exceptional shape at the time of the effective date of the Ordinance:  
This lot has an abnormal shape, it is not orthogonal; therefore the "buildable area" of an accessory structure such as a garage is not possible without a zoning variance, it also limits access to the "rear" yard by any sort of vehicular traffic
- E     Exceptional topographic conditions:  
The site and street on which the property is located slopes up to the Northwest at a fairly significant angle
- F     An extraordinary situation of condition of the subject property:  
The current structural was built without a garage, the owner must park their vehicles on the steep street on which the house is located

**Item 3:** Garages are typically allowed in this zoning district, we are only requesting a variance to allow the accessory structure to be located in the existing "front yard". This situation is atypical the adjacent properties and is likely not applicable in many other instances where the lots and existing structures are situated differently to allow this structure to be placed within the required set backs. This is a unique situation to this particular lot.

**Item 4:** By not allowing the accessory garage to be placed in the existing front set back the owners, an elderly couple, would be forced to continue to park their vehicle on the existing steeply sloped street. This creates an unsafe condition for them, especially during inclement weather. The garage would all them a flat space to park their vehicle as well as a flat access path to their existing home.

**Item 5:** This hardship is not generally shared by other properties in the same zoning district. Due to the other, more typical and normal lot configurations, this location for an accessory garage is typically not the only option for many other properties in the zoning district. Also, on the same street, the differing topography of the other sites has allowed compliant garages to be built as well. The particular shape and topography of specific lot are different than the other properties in the zoning district.

**Item 6a:** The strict application of the Zoning Ordinance would *effectively prohibit* the construction of an accessory garage on this property, the proposed location is the only feasible space to locate this structure on the property without significant negative impacts on the existing structure.

**Item 6b:** The granting of a variance will allow the owners to construct an accessory garage, this is extremely important for their continued health and safety, especially due to their age.

**Item 7:** The authorization of the variance will not be of substantial detriment to adjacent property. The combination of the existing topographic conditions and minimalistic design will make this an unobtrusive structure that fits seamlessly into the neighborhood. It will increase the value of this property, which in turn will continue to support the property values of the adjacent properties.

**Item 8:** The character of the zoning district will not be changed by granting of the variance. This is for an accessory garage to an existing single family home in an R-4 district. It will be the only garage on the property and will be used to store the owners vehicle. Garages of this type are often associated with single family homes, which is what the R-4 zone is specified to include. It is a residential use garage.

**Item 9:** The variance will be in harmony with the intended spirit and purpose of this Ordinance, it will not be contrary to the public interest. This accessory garage is designed to fit gently into the property and is subordinate to the existing structure, once finished it will appear as a secondary structure to the current existing home, thus maintaining the character of the R-4 zoned neighborhood.

If you have any questions, please do not hesitate to contact me at 301-448-5845

Regards,

Dave Oros  
Owner  
DJ Construction



4000 Legato Road, 11th Floor  
Fairfax, VA 22033

T 571.339.9499  
F (571) 210-1267  
kamol.farid@permit-express.com

<http://permit-express.com>

**RECEIVED  
DEPARTMENT OF PLANNING  
AND ZONING**

**SEP 3 2013**

**SPECIAL PERMIT &  
VARIANCE BRANCH**

September 3, 2013  
Board of Zoning Appeals  
Attn: Laura B. Gumkowski  
RE: VC 2013-MV-010  
12055 Government Center Pkwy Suite 801  
Fairfax, VA 22035

Dear Laura,

This letter is a request for justification for our application referenced above concerning the open porch stoop on the southeast facade. We request that the board allows us to keep the stoop at its current location for the following reasons:

1. The property was acquired in good faith.
2. The property had an exceptional size at the time of the effective ordinance (August 14, 1978).
3. The condition of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. The Strict application of this Ordinance would produce undue hardship for the property owner.
5. The undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property.
7. The authorization of the variance will not be of substantial detriment to adjacent properties.
8. The character of the zoning district will not be changed by the granting of the variance.
9. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

Sincerely yours,

Kamol Farid, Authorized Agent



# County of Fairfax, Virginia

APPENDIX 4

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Vested Rights Determination Under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	83-4 ((3)) (1) 19
Property Address:	1804 Hunting Cove Place
Requestor's Name:	Laura Gumkowski
Requestors Address: (if different than above)	Board of Zoning Appeals Zoning Evaluation Division
Requestor's Phone Number:	703-324-1209
Current Zoning:	R-4
Magisterial District:	Mount Vernon
Subdivision Name/Section/Block/Lot No.:	Belle Haven, Section 1, Block 1, Lot 19

### Written Description of Structures that may be vested under §15.2-2307 of the Code of Virginia

Based on the house location plat prepared by George M. O'Quinn, dated December 6, 2012, the photographs provided, and a plat submitted with Building Permit #P106036 on file, the structures in question are the following:

- The existing house, which is located at 4.6 feet from the side lot line
- The 218 square foot screened porch, which is located at 28.9 feet from the front lot line
- The 6 foot by 8 foot stoop and stairs, which is located at 4.1 feet from the side lot line

### Background Summary (check all that are applicable):

- ☒ No evidence of a Building Permit having been issued for the existing house, the 218 square foot screened porch, and the 6 foot by 8 foot stoop and stairs.
- ☐ A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- ☐ Department of Tax Administration records indicate that the screened porch has been taxed for at least 15 years.
- ☒ Department of Tax Administration records indicate that the existing house and the screened porch have been taxed for at least 15 years; however, the stoop and stairs has not been taxed at least for 15 years.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)





This determination is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

Reviewer's Signature: LESLIE B. JOHNSON A-750888 Date: 08/27/13  
Zoning Administration Division  
Department of Planning and Zoning

cc: Tim Shirocky, Acting Director, Real Estate Division, DTA  
Leslie B. Johnson, Zoning Administrator  
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch  
Wilson and Marilyn Livingood, 1804 Hunting Cove Place, Alexandria, Virginia 22307



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 23, 2013

**TO:** Laura Gumkowski, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Jay Banks, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** Belle Haven Section 1, Block L19. VA 2013-MV-010

This review is based on the Application for a Variance stamped, "Received, Department of Planning & Zoning June 19, 2013" and a site visit performed on July 19, 2013.

General Comment: An existing 16 inch diameter red maple (*Acer rubrum*) tree is located approximately at the center of the front yard, where construction equipment or building materials may possibly be stored. Urban Forest Management Division staff recommends that some type of barrier or tree protection device be placed to protect as much of the dripline of the red maple as possible.

JSB/

UFMDID #: 183227

cc: DPZ File



**18-404 Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property; or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

**18-405 Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.